

IAP7 Rec'd PCT/PTO 17 FEB 2006

10/550711

PATENT
Attorney Docket No.: 47237-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kengo AKIMOTO et al.) Confirmation No.: 3090
U.S. Application No.: 10/550,711)
Filed: September 26, 2005) Group Art Unit: Unassigned
Examiner: Unassigned)

For: LIPID-IMPROVING AGENT AND COMPOSITION CONTAINING LIPID-IMPROVING
AGENT

Commissioner of Patents
MAIL STOP PCT

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed December 21, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

Applicant(s) hereby assert small entity status.

5. Fee Calculation

Basic National Stage Fee: \$300.00				Previously Paid
	Number Filed	Number Extra	at a Rate of	
Total Claims	49-20 =	0	\$50.00 each=	Previously Paid
Independent Claims	4- 3 =	0	\$200.00 each=	Previously Paid
Multiple dependent claim(s), if any			\$360.00	N/A
Missing Requirements Surcharge Fee			\$130.00	130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				N/A
Application Search Fee			\$500.00	Previously Paid
Examination Fee			\$200.00	Previously Paid
			SUB-TOTAL	130.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	N/A
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	N/A
			TOTAL FILING FEE	130.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/> One month	\$120.00	\$60.00
<input type="checkbox"/> Two months	\$450.00	\$225.00
<input type="checkbox"/> Three months	\$1,020.00	\$510.00
<input type="checkbox"/> Four months	\$1,590.00	\$795.00
<input type="checkbox"/> Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$130.00

02/22/2006 MKAYPAGH 00000084 10550711

Assignment Fees \$40.00

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Total Fee Due \$170.00

A check in the amount of \$170.00 to cover the above fees is enclosed

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The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0573.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0573.

8. Additional papers enclosed.

Form PCT/IPEA/409 (English Translation)
 Preliminary Amendment
 Submission of PCT/IB/311
 Front Page of the corrected WO 2004/085582
 Information Disclosure Statement
 Form PTO-1449, non-US patent documents as listed
 Assignment Recordation Cover Sheet (PTO Form-1595)
 Assignment of the invention to SUNTORY LIMITED

Respectfully submitted,

DRINKER BIDDLE & REATH LLP



Ronald L. Grudziecki, Reg. No. 24,970

Date: February 17, 2006
Customer No. 055694
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For: LIPID-IMPROVING AGENT AND COMPOSITION CONTAINING LIPID-
IMPROVING AGENT) Examiner: Unassigned

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SUBMISSION OF CORRECTED WO PUBLICATION

Sir:

Enclosed herewith is a copy of the PCT/IB/311 and front page of the corrected WO publication No, 2004/085582, wherein the title of the invention is corrected to “LIPID-IMPROVING AGENT AND COMPOSITION CONTAINING LIPID-IMPROVING AGENT”.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP



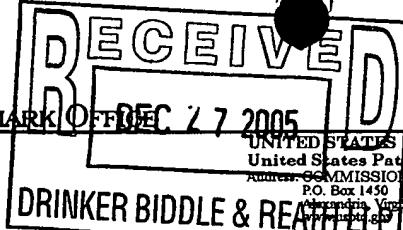
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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DRINKER BIDDLE & REATH

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,711	Kengo Akimoto	47237-5005
INTERNATIONAL APPLICATION NO.		
PCT/JP04/04282		
I.A. FILING DATE		PRIORITY DATE
03/26/2004		03/27/2003
55694 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1200		
Docketed <u>12-27-05</u> Attorney <u>RLG</u>		
47237-5005 CONFIRMATION NO. 3090		
Due Date <u>2-21-06</u> 371 FORMALITIES LETTER		
Action <u>missing requirement</u> OC000000017692208*		
By <u>PSM</u> Chk _____		

Date Mailed: 12/21/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/26/2005
- Copy of the International Search Report filed on 09/26/2005
- Copy of IPE Report filed on 09/26/2005
- Preliminary Amendments filed on 09/26/2005
- Information Disclosure Statements filed on 09/26/2005
- U.S. Basic National Fees filed on 09/26/2005
- Priority Documents filed on 09/26/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,711	PCT/JP04/04282	47231-5005

FORM PCT/DO/EO/905 (371 Formalities Notice)